

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

PERRY E. LANDIS)

Criminal No. 08-218
[UNDER SEAL]

2008 JUN -5 PM 2:46
U.S. DISTRICT COURT
CLERK

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Margaret E. Picking, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a two-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1 and 2	Transfer of an Unregistered Firearm On or about September 29, 2007. (Count 1) On or about March 27, 2008. (Count 2)	26 U.S.C. § 5861(e)

II. ELEMENTS OF THE OFFENSES

A. As to Counts 1 and 2:

In order for the crime of Transfer of an Unregistered Firearm, in violation of Title 26, United States Code, Section 5861(e), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. On or about the date charged in the Indictment, the defendant knowingly transferred a firearm, in this case blasting caps, which constitute destructive devices, as defined in 26 U.S.C. § 5845(a)(1)(F).

United States v. Daniels, 973 F.2d 272 (4th Cir. 1992), cert. denied, 113 S.Ct. 1064 (1993).

2. Prior to the making of the destructive device, the defendant failed to file with the Secretary of Treasury a written application for the transfer and registration of the firearm to the transferee, as required by 26 U.S.C. § 5812(a).

United States v. Thompson, 420 F.2d 536 (3d Cir. 1970).

3. That the defendant had knowledge that he was transferring a firearm; that is, that he knew that the devices he transferred functioned as explosive devices.

United States v. Javino, 960 F.2d 1137 (2d Cir.), cert. denied, 113 S.Ct. 477 (1992).

III. PENALTIES

A. As to Counts 1 and 2: Transfer of an Unregistered Firearm (26 U.S.C. § 5861(e)):

1. A term of imprisonment of not more than ten (10) years.
2. A fine of \$250,000.
3. A term of supervised release of not more than three (3) years.
4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT


A mandatory special assessment of \$100.00 must be imposed upon conviction, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Not applicable in this case.

Respectfully submitted,

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United States Attorney


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